

109TH CONGRESS
1ST SESSION

S. 212

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Referred to the Committee on Resources

AN ACT

To amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Valles Caldera Preser-
5 vation Act of 2005”.

1 **SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESER-**
2 **VATION ACT.**

3 (a) ACQUISITION OF OUTSTANDING MINERAL INTER-
4 ESTS.—Section 104(e) of the Valles Caldera Preservation
5 Act (16 U.S.C. 698v–2(e)) is amended—

6 (1) by striking “The acquisition” and inserting
7 the following:

8 “(1) IN GENERAL.—The acquisition”;

9 (2) by striking “The Secretary” and inserting
10 the following:

11 “(2) ACQUISITION.—The Secretary”;

12 (3) by striking “on a willing seller basis”;

13 (4) by striking “Any such” and inserting the
14 following:

15 “(3) ADMINISTRATION.—Any such”; and

16 (5) by adding at the end the following:

17 “(4) AVAILABLE FUNDS.—Any such interests
18 shall be acquired with available funds.

19 “(5) DECLARATION OF TAKING.—

20 “(A) IN GENERAL.—If negotiations to ac-
21 quire the interests are unsuccessful by the date
22 that is 60 days after the date of enactment of
23 this paragraph, the Secretary shall acquire the
24 interests pursuant to section 3114 of title 40,
25 United States Code.

1 “(B) SOURCE OF FUNDS.—Any difference
 2 between the sum of money estimated to be just
 3 compensation by the Secretary and the amount
 4 awarded shall be paid from the permanent
 5 judgment appropriation under section 1304 of
 6 title 31, United States Code.”.

7 (b) OBLIGATIONS AND EXPENDITURES.—Section
 8 106(e) of the Valles Caldera Preservation Act (16 U.S.C.
 9 698v–4(e)) is amended by adding at the end the following:

10 “(4) OBLIGATIONS AND EXPENDITURES.—Sub-
 11 ject to the laws applicable to Government corpora-
 12 tions, the Trust shall determine—

13 “(A) the character of, and the necessity
 14 for, any obligations and expenditures of the
 15 Trust; and

16 “(B) the manner in which obligations and
 17 expenditures shall be incurred, allowed, and
 18 paid.”.

19 (c) SOLICITATION OF DONATIONS.—Section 106(g)
 20 of the Valles Caldera Preservation Act (16 U.S.C. 698v–
 21 4(g)) is amended by striking “The Trust may solicit” and
 22 inserting “The members of the Board of Trustees, the ex-
 23 ecutive director, and 1 additional employee of the Trust
 24 in an executive position designated by the Board of Trust-
 25 ees or the executive director may solicit”.

1 (d) USE OF PROCEEDS.—Section 106(h)(1) of the
 2 Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1))
 3 is amended by striking “subsection (g)” and inserting
 4 “subsection (g), from claims, judgments, or settlements
 5 arising from activities occurring on the Baca Ranch or the
 6 Preserve after October 27, 1999,”.

7 **SEC. 3. BOARD OF TRUSTEES.**

8 Section 107(e) of the Valles Caldera Preservation Act
 9 (U.S.C. 698v–5(e)) is amended—

10 (1) in paragraph (2), by striking “Trustees”
 11 and inserting “Except as provided in paragraph (3),
 12 trustees”; and

13 (2) in paragraph (3)—

14 (A) by striking “Trustees” and inserting
 15 the following:

16 “(A) SELECTION.—Trustees”; and

17 (B) by adding at the end the following:

18 “(B) COMPENSATION.—On request of the
 19 chair, the chair may be compensated at a rate
 20 determined by the Board of Trustees, but not
 21 to exceed the daily equivalent of the annual rate
 22 of pay for level IV of the Executive Schedule
 23 under section 5315 of title 5, United States
 24 Code, for each day (including travel time) in

1 which the chair is engaged in the performance
2 of duties of the Board of Trustees.

3 “(C) MAXIMUM RATE OF PAY.—The total
4 amount of compensation paid to the chair for a
5 fiscal year under subparagraph (B) shall not
6 exceed 25 percent of the annual rate of pay for
7 level IV of the Executive Schedule under section
8 5315 of title 5, United States Code.”.

9 **SEC. 4. RESOURCE MANAGEMENT.**

10 (a) PROPERTY DISPOSAL LIMITATIONS.—Section
11 108(c)(3) of the Valles Caldera Preservation Act (16
12 U.S.C. 698v–6(c)(3)) is amended—

13 (1) in the first sentence, by striking “The Trust
14 may not dispose” and inserting the following:

15 “(A) IN GENERAL.—The Trust may not
16 dispose”;

17 (2) in the second sentence, by striking “The
18 Trust” and inserting the following:

19 “(B) MAXIMUM DURATION.—The Trust”;

20 (3) in the last sentence, by striking “Any such”
21 and inserting the following:

22 “(C) TERMINATION.—The”; and

23 (4) by adding at the end the following:

24 “(D) EXCLUSIONS.—For the purposes of
25 this paragraph, the disposal of real property

1 does not include the sale or other disposal of
 2 forage, forest products, or marketable renew-
 3 able resources.”.

4 (b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—
 5 Section 108(g) of the Valles Caldera Preservation Act (16
 6 U.S.C. 698v-6(g)) is amended—

7 (1) in the first sentence, by striking “The Sec-
 8 retary” and inserting the following:

9 “(1) LAW ENFORCEMENT.—

10 “(A) IN GENERAL.—The Secretary”;

11 (2) in the second sentence, by striking “The
 12 Trust” and inserting the following:

13 “(B) FEDERAL AGENCY.—The Trust”; and

14 (3) by striking “At the request of the Trust”
 15 and all that follows through the end of the para-
 16 graph and inserting the following:

17 “(2) FIRE MANAGEMENT.—

18 “(A) NON-REIMBURSABLE SERVICES.—

19 “(i) DEVELOPMENT OF PLAN.—The
 20 Secretary shall, in consultation with the
 21 Trust, develop a plan to carry out fire pre-
 22 paredness, suppression, and emergency re-
 23 habilitation services on the Preserve.

24 “(ii) CONSISTENCY WITH MANAGE-
 25 MENT PROGRAM.—The plan shall be con-

“(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

“(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”.

Passed the Senate July 26, 2005.

Attest: EMILY J. REYNOLDS,
Secretary.